

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MICHAEL SKIBA,)	
)	Civil Action No. 05 - 919
Plaintiff,)	
)	Judge Thomas M. Hardiman /
v.)	Magistrate Judge Lisa Pupo Lenihan
)	
JOE SPANIK; CHARLIE CAMP; DAN)	
DONNATELLA; and WILLIAM SHOUPPE,)	
)	
Defendants.)	

ORDER

The above captioned case was initiated on June 30, 2005 by the filing of a Motion to Proceed *In Forma Pauperis* (doc. no. 1) accompanied by a Complaint. It was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

The Magistrate Judge's Report and Recommendation (doc. no. 21), filed on January 9, 2007, recommended that Plaintiff's Complaint (doc. no. 5) be dismissed due to Plaintiff's failure to have prosecuted his action. Plaintiff was served at the State Correctional Institution at Albion, Pennsylvania and was advised he was allowed ten (10) days from the date of service to file written objections to the report and recommendation. No objections have been filed. After review of the pleadings and documents in the case, together with the report and recommendation, the following order is entered:

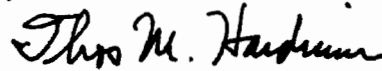
AND NOW, this 5th day of February, 2007;

IT IS HEREBY ORDERED that Plaintiff's Complaint (doc. no. 5) is **DISMISSED** due to Plaintiff's failure to have prosecuted this action.

IT IS FURTHER ORDERED that the Report and Recommendation (doc. no. 21) of Magistrate Judge Lenihan, dated January 9, 2007, is adopted as the opinion of the court.

IT IS FURTHER ORDERED that the Clerk of Court mark this case as **CLOSED**.

By the Court:

A handwritten signature in black ink, reading "Thos M. Hardiman". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

Thomas M. Hardiman
United States District Judge

cc: Lisa Pupo Lenihan
United States Magistrate Judge

Michael Skiba
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S.C.I. Albion
10745 Route 18
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All counsel of record.